

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

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69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM
Rio Nutrias, Section 3

Subfile No.: CHNU-002-0013

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico
and Defendant(s):

**DOMITILIA L. ULIBARRI
FELIBERTO ULIBARRI**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Nutrias, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the element of the claims of the Defendant(s) adjudicated by this order.

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**OFFICE OF THE STATE ENGINEER
LEGAL SERVICES DIVISION**

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Nutrias, Section 3, are set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface Water of the Terrero Creek, a tributary of the Rio Nutrias, a tributary of the Chama River.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: Vega

Location X: 1,572,542 feet **Y:** 2,036,202 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Section 10, Township 27N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$ 15.4 acres

Total 15.4 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.:
CHNU-002-0013.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: Surface Water of the Terrero Creek, a tributary of the Rio Nutrias, a tributary of the Chama River.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch Name: Vega

Location X: 1,572,542 feet **Y:** 2,036,202 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Section 10, Township 27N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$ 0.1 acres

Total 0.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.:
CHNU-002-0013.

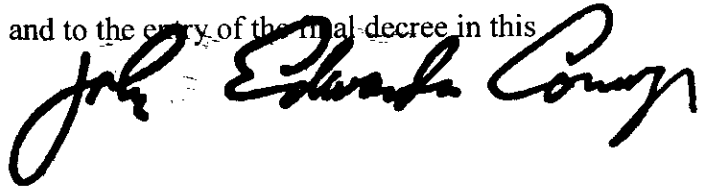
Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System,
Rio Nutrias, Section 3, other than those set forth in this order and those other orders
entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be
enjoined from any use of the surface waters of the Rio Chama Stream System,
Rio Nutrias, Section 3, except in strict accordance with the water rights described
herein.
7. The water rights described herein, if any, are adjudicated subject to the right of
any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the
waters of the Rio Chama Stream System, Rio Nutrias, Section 3, are as set forth herein.

The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from
any diversion or use of the public surface waters of the Rio Chama Stream System,
Rio Nutrias, Section 3, except in strict accordance with the rights set forth herein or in
other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin
SPECIAL MASTER

ACCEPTED: Domitilia L. Ulibarrí
DOMITILIA L. ULIBARRI

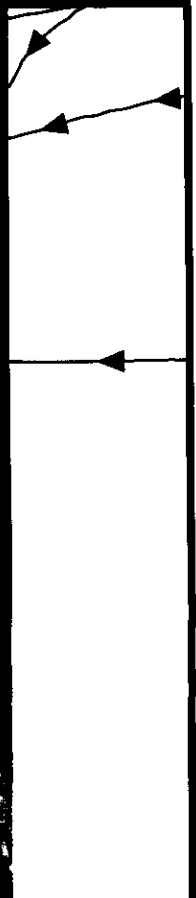
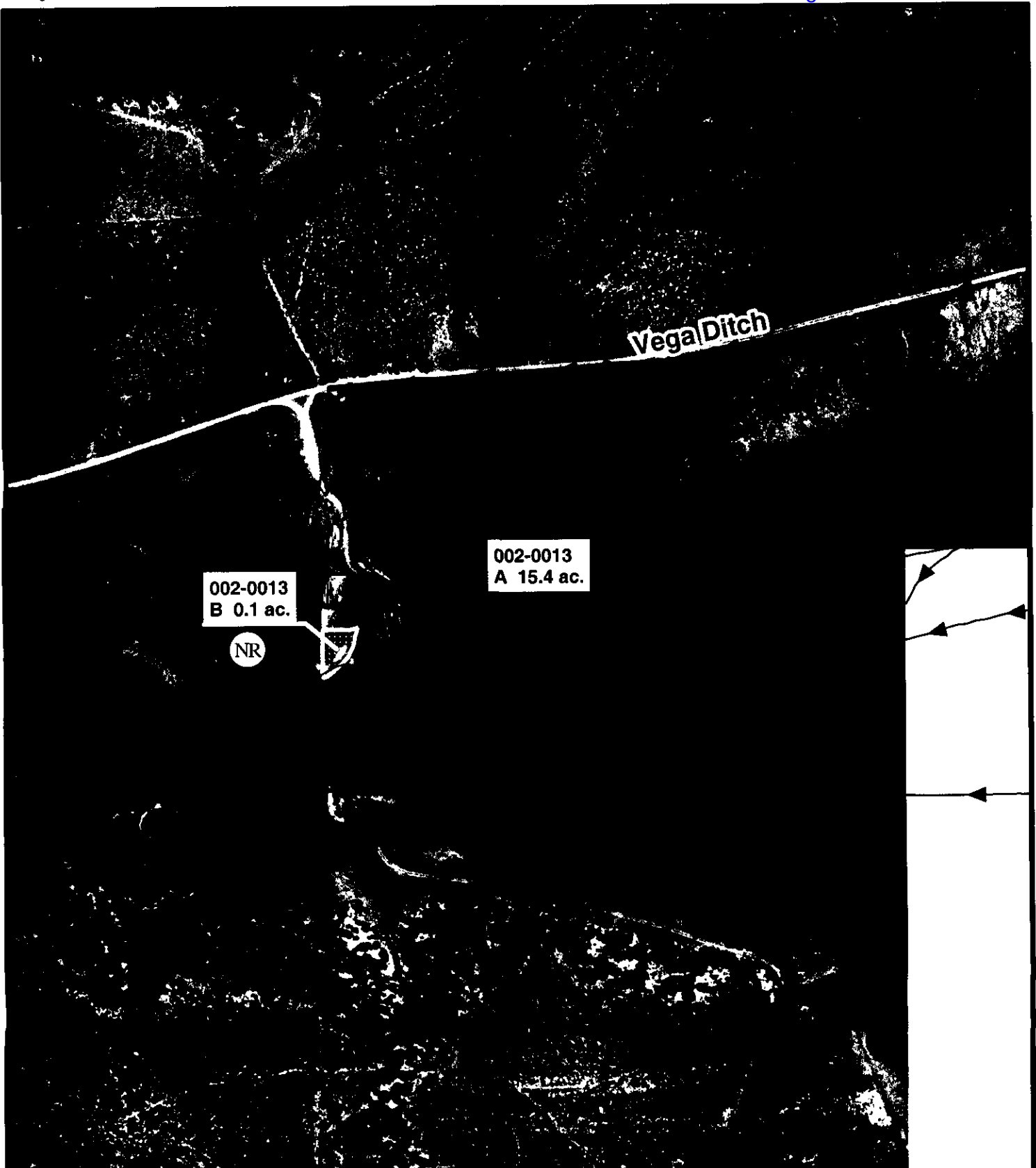
ADDRESS: P.O. Box 182
Pierra Amaulla,
N.M. 87575
DATE: 7/19/01


ACCEPTED: Felberto Ulibarrí
FELIBERTO ULIBARRI

ADDRESS: P.O. Box 182
Pierra Amaulla,
N.M. 87575
DATE: 7/19/01

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

7-23-01
Date



<p>Legend</p> <ul style="list-style-type: none"> — Irrigated Tract Boundary - - No Right Tract Boundary ▶ Operable Ditch - - Inoperable Ditch ● Stock Pond / Reservoir ● Point of Diversion NR No Right <p style="text-align: right;">Scale 1"=300'</p> <p style="text-align: center;">100 50 0 100 200 300 Feet</p>	<p>STATE OF NEW MEXICO Office of the State Engineer Thomas C. Turney, State Engineer</p> <hr/> <p>Rio Chama Hydrographic Survey RIO NUTRIAS SECTION</p>	<p>Subfile CHNU-002-0013 Vega Ditch Amended June 21, 2001</p> <div style="text-align: center;">  </div>
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